

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE J		PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. 0007		3. EFFECTIVE DATE 19-Dec-2003		4. REQUISITION/PURCHASE REQ. NO. W16ROE-3203-8775		5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN:CENAN-CT ROOM 1843 26 FEDERAL PLAZA NEW YORK NY 10278		CODE W912DS		7. ADMINISTERED BY (If other than item 6) CIVIL WORKS TEAM 26 FEDERAL PLAZA NEW YORK NY 10278-0090		CODE	
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)				X		9A. AMENDMENT OF SOLICITATION NO. DACW51-03-B-0019	
				X		9B. DATED (SEE ITEM 11) 22-Aug-2003	
						10A. MOD. OF CONTRACT/ORDER NO.	
						10B. DATED (SEE ITEM 13)	
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.							
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).							
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:							
D. OTHER (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) The purpose of this amendment is to extend the Bid OPening date from 6 January 2004 to 4 February 2004, 1:30 PM. The bid opening location remains the same. Note: Bidders must acknowledge receipt of this amendment by the date specified in the solicitation (or as amended) by one of the following methods: In the space provided on the SF1442, by separate letter, or by telegram, or by signing the block 15 below. FAILURE TO ACKNOWLEDGE AMENDMENTS BY THE DATE AND TIME SPECIFIED MAY RESULT IN REJECTION OF YOUR BID IN ACCORDANCE WITH THE LATE BID, LATE MODIFICATIONS OF BIDS OR LATE WITHDRAWAL OF BIDS (FAR 14.304)							
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.							
15A. NAME AND TITLE OF SIGNER (Type or print)				16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)			
				TEL: _____ EMAIL: _____			
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)		15C. DATE SIGNED		16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 19-Dec-2003	

SECTION SF 30 BLOCK 14 CONTINUATION PAGE

SUMMARY OF CHANGES

SECTION 00010 - SOLICITATION CONTRACT FORM

The required response date/time has changed from 06-Jan-2004 01:30 PM to 04-Feb-2004 01:30 PM.

(End of Summary of Changes)



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
(See Issuing Division below)



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 1800-03-0001.1 FHA 030001
 1800-03-0001.1 FWW 030001 (GP1)
 1800-03-0001.1 FWW 030002 (GP6)
 1800-03-0001.1 FWW 030003 (GP7)
 1800-03-0001.1 FWW 030004 (GP11)

Application No.

Issuance Date **NOV 19 2003**

Effective Date **NOV 19 2003**

Expiration Date **NOV 19 2008**

Name and Address of Applicant
 NJDEP - Engineering &
 Construction
 PO Box 419
 Trenton, NJ 08625

Name and Address of Owner

Name and Address of Operator

Location of Activity/Facility (Street Address)

Lots: various
 Blocks: various
 Twps.: Bound Brook, Bridgewater
 County: Somerset

Issuing Division

Land Use Regulation Program

Statute(s)

NJSA 13:1D-1
 NJSA 13:9B-1
 NJSA 58:10A-1
 NJSA 58:16A-50, et. seq.

Type of Permit Stream Encroachment
 Freshwater Wetlands

Maximum Approved Capacity,
 if applicable

This permit grants permission to:

construct Segment U of the Green Brook flood control project, consisting of the construction of two (2) levees and one (1) floodwall along the easterly bank of Middle Brook between the Route 22 and Route 28 bridge crossings over Middle Brook, the construction of five (5) new/replacement stormwater outfall structures discharging through the levees/floodwall, one (1) drainage ditch, and the stabilization of the Route 28 bridge abutments, in the Township of Bridgewater and the Borough of Bound Brook, Somerset County, New Jersey. This permit also authorizes the disturbance of 0.001 acres of State open waters under General Permit 1 for the repair of the Route 28 headwall and the placement of the riprap scour protection, 0.08 acres of forested wetlands and 0.129 acres of ditches/swales under General Permits 6 and 7, respectively, for the construction of the levees/floodwall, and 0.015 acres of State open waters for the construction of the stormwater outfall structures under General Permit 11.

Prepared By:

Peter DeMeo
 Peter DeMeo

(See page 7 for Bureau Manager's signature.)

Revised Date

Approved by the Department of Environmental Protection

Name (Print or Type) _____ Title _____

Signature _____ Title _____

Stream Encroachment Permit 1800-03-0001.1 FHA 030001

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030001 (GP1)

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030002 (GP6)

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030003 (GP7)

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030004 (GP11)

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Terms And Conditions

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.
9. Limit and Extent of Approval
 - a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
 - b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

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Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030002 (GP6)

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030003 (GP7)

Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030004 (GP11)

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Terms And Conditions

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey* (obtainable from local Soil Conservation District offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed permit acceptance form has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed construction notice shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed completion report shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30)

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days after completion of the herein approved activities.

12. All excavated material must be disposed of in a lawful manner outside of any regulated flood plain, open water, freshwater wetlands or adjacent transition areas, and in such a way as to not interfere with the positive drainage of the receiving area.
13. The applicant must obtain easements on all properties upon which the design water surface elevation increases will exceed 0.2 feet as a result of the construction of the Segment U levee/floodwall system. No construction may begin until all such required easements have been obtained.
14. The in-channel riprap proposed for the stabilization of the abutments of the Route 28 crossing must be embedded into the channel. Riprap must not be placed above the existing streambed elevation.
15. In order to protect the general game fishery resource within Middle Brook, any proposed instream or bank sediment generating activities are prohibited from May 1 through June 30 of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse that could introduce sediment into said watercourse or that could cause an increase in the natural level of turbidity is also prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
16. Provisions of Freshwater Wetlands Statewide General Permits 1, 6, 7, and 11
 - a. This permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
 - b. Limit of Authorized Disturbance - The authorized activity involves the following:
 1. The disturbance of 0.001 of an acre of State open waters in accordance with Freshwater Wetlands Statewide General Permit 1, which authorizes the repair, rehabilitation, replacement, maintenance or reconstruction of any previously authorized, currently serviceable structure, fill, roadway, or public utility in order to repair the base of a concrete headwall adjacent to the Rt. 28 bridge, and the placement of additional riprap at the abutments of the Rt. 28 bridge;
 2. The disturbance of 0.08 of an acre of isolated forested wetlands adjacent to Rt. 22 in accordance with Statewide General Permit 6, which authorized regulated activities in freshwater wetlands or State open waters that are not part of a surface water tributary system, discharging to an inland pond, river or stream; in order to construct a portion of the levee/floodwall system;
 3. The disturbance of 0.129 of an acre of ditches and swales in accordance with Statewide General Permit 7, which authorizes regulated activities in ditches of human construction, or swales, in order to impact 2 swales and 2 ditches. Both swales (combined impact of .08 of an acre) are grass channels adjacent to the existing Shop-Rite (north and east sides of building) in order to construct a portion of the levee/floodwall system;

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4. The disturbance of 0.15 of an acre of State open waters in accordance with and Statewide General Permit 11, which authorizes construction of stormwater outfall structures and associated stormwater conveyance structures such as pipes, headwalls, rip-rap, and other energy dissipation structures in order to reconstruct and improve 2 existing pipe outfalls by constructing headwalls and outlet protection, and place rip/rap outlet protection at the terminus of 2 drainage swales.
17. The applicant must obtain a Freshwater Wetlands permit or Transition Area Waiver for the proposed construction within freshwater wetlands, wetland transition areas or State open waters on site, in accordance with N.J.A.C. 7:7A-1.1 et seq. from the Land Use Regulation Program. Specifically, a review of this project indicates that a Transition Area Waiver shall be obtained prior to any construction within regulated areas. This permit has been approved because the project satisfies the requirements of the Flood Hazard Area Control Act Rules and the requirements for the Statewide General Permits under the Freshwater Wetlands Protection Act Rules. This decision does not in any way indicate that the required Transition Area Waiver will also be approved. No construction may begin within the transition areas until all necessary approvals are obtained from the Department.
18. The drawings hereby approved are thirteen (13) sheets prepared Francis J. Geran, PE, dated May 2003, unrevised, entitled:

"GREEN BROOK FLOOD CONTROL PROJECT NEW JERSEY MIDDLE BROOK PROFILE", Sheet P-1,

"GREEN BROOK FLOOD CONTROL PROJECT SOMERSET AND MIDDLESEX COUNTIES NEW JERSEY"

"MIDDLE BROOK CROSS SECTIONS 126 & 127 SEGMENT U", Sheet C-1,

"MIDDLE BROOK CROSS SECTIONS 128 & 129D SEGMENT U", Sheet C-2,

"MIDDLE BROOK CROSS SECTIONS 129U & 130 SEGMENT U", Sheet C-3,

"MIDDLE BROOK CROSS SECTIONS 131 & 132 SEGMENT U", Sheet C-4,

"MIDDLE BROOK CROSS SECTIONS 133 & 134 SEGMENT U", Sheet C-5,

"MIDDLE BROOK CROSS SECTIONS 135 & 136 SEGMENT U", Sheet C-6,

"MIDDLE BROOK CROSS SECTIONS 137 & 138 SEGMENT U", Sheet C-7,

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Freshwater Wetlands Statewide General Permit 1800-03-0001.1 FWW 030003 (GP7)

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"MIDDLE BROOK CROSS SECTIONS 139 & 140 SEGMENT U", Sheet C-8,

"MIDDLE BROOK CROSS SECTIONS 141 & 142D SEGMENT U", Sheet C-9,

"MIDDLE BROOK CROSS SECTIONS 142 & 143 SEGMENT U", Sheet C-10,

"MIDDLE BROOK CROSS SECTIONS 144 & 145 SEGMENT U", Sheet C-11,

"MIDDLE BROOK - RIPRAP CROSS SECTIONS 129d & 129u SEGMENT U", Sheet R-1,

"MIDDLE BROOK RECOMMENDED PLAN SEGMENT U", Sheet F-1, and

eleven (11) sheets prepared by the U.S. Army Corps of Engineers, New York Division, dated May 31, 2003, unrevised, unless otherwise noted, entitled:

"GREEN BROOK SUB-BASIN OF THE RARITAN RIVER GREEN BROOK FLOOD CONTROL PROJECT SEGMENT U BOROUGH OF BOUND BROOK NEW JERSEY"

"PLAN STA. 0+00U TO 11+45U", Sheet 4 of 43,

"PLAN STA. 11+45U TO 20+48U", Sheet 5 of 43,

"PLAN STA. 20+48U TO 29+17.42U", Sheet 6 of 43,

"PROFILE STA. 0+00U TO 29+17.92U", Sheet 7 of 43, undated,

"PROFILE STA. 1+50U TO 12+50U", Sheet 8 of 43,

"PROFILE STA. 13+00 TO 22+00U", Sheet 9 of 43,

"CROSS SECTIONS STA. 22+50U TO 29+17.42U", Sheet 10 of 43,

"EROSION CONTROL PLAN NO. 1 STA. 0+00U TO 11+53U", Sheet 28 of 43,

"EROSION CONTROL PLAN NO. 2 STA. 11+53U TO 20+48U", Sheet 29 of 43,

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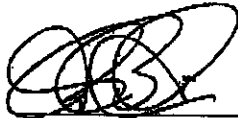
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"EROSION CONTROL PLAN STA. 20+48U TO 29+17.42U", Sheet 30 of 43,

"EROSION AND SEDIMENTATION CONTROL DETAILS", Sheet 32 of 43, dated July 31, 2003, last revised November 3, 2003.



Robert B. Piel, Jr., Manager
Bureau of Inland Regulation

11/19/03
Date